

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4682 of this title.

§ 4682. Definitions and special rules

(a) Definitions

For purposes of this subchapter—

(1) Hazardous waste

The term “hazardous waste” means any waste—

(A) having the characteristics identified under section 3001 of the Solid Waste Disposal Act, as in effect on the date of the enactment of this Act (other than waste the regulation of which under such Act has been suspended by Act of Congress on that date), or

(B) subject to the reporting or record-keeping requirements of sections 3002 and 3004 of such Act, as so in effect.

(2) Qualified hazardous waste disposal facility

The term “qualified hazardous waste disposal facility” means any facility which has received a permit or is accorded interim status under section 3005 of the Solid Waste Disposal Act.

(b) Tax imposed on owner or operator

The tax imposed by section 4621 shall be imposed on the owner or operator of the qualified hazardous waste disposal facility.

(c) Tax not to apply to certain wastes

The tax imposed by section 4681 shall not apply to any hazardous waste which will not remain at the qualified hazardous waste disposal facility after the facility is closed.

(d) Applicability of section

The tax imposed by section 4681 shall apply to the receipt of hazardous waste after September 30, 1983, except that if, as of September 30 of any subsequent calendar year, the unobligated balance of the Post-closure Liability Trust Fund exceeds \$200,000,000, no tax shall be imposed under such section during the following calendar year.

(Added Pub. L. 96-510, title II, § 231(a), Dec. 11, 1980, 94 Stat. 2804.)

REFERENCES IN TEXT

The Solid Waste Disposal Act, referred to in subsec. (a), is title II of Pub. L. 89-272, Oct. 20, 1965, 79 Stat. 997, as amended generally by Pub. L. 94-580, § 2, Oct. 21, 1976, 90 Stat. 2795, which is classified generally to chapter 82 (§ 6901 et seq.) of Title 42, The Public Health and Welfare. Sections 3001, 3002, 3004, and 3005 of the Solid Waste Disposal Act are classified to sections 6921, 6922, 6924, and 6925 of Title 42, respectively. For complete classification of this Act to the Code, see Short Title note set out under section 6901 of Title 42 and Tables.

The date of the enactment of this Act, referred to in subsec. (a)(1)(A), means the date of the enactment of Pub. L. 96-510, which was approved Dec. 11, 1980.

EFFECTIVE DATE

Section effective Dec. 11, 1980, see section 9652 of Title 42, The Public Health and Welfare.

CHAPTER 40—GENERAL PROVISIONS
RELATING TO OCCUPATIONAL TAXES

§ 4901. Payment of tax

(a) Condition precedent to carrying on certain business

No person shall be engaged in or carry on any trade or business subject to the tax imposed by section 4411 (wagering) until he has paid the special tax therefor.

[See main edition for text of (b)]

(As amended Nov. 6, 1978, Pub. L. 95-600, title V, § 521(c)(2), 92 Stat. 2884.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-600 struck out “or 4461(a)(1) (coin-operated gaming devices)” following “(wagering)”.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment of subsec. (a) by Pub. L. 95-600 applicable with respect to years beginning after June 30, 1980, see section 521(d)(2) of Pub. L. 95-600, set out as an Effective Date of Repeals note under section 4464 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment of subsec. (a) by Pub. L. 89-44 applicable on and after July 1, 1965, see section 701(c)(2) of Pub. L. 89-44, set out in part as an Effective Date of 1965 Amendment note under section 4407 of this title.

CHAPTER 41—PUBLIC CHARITIES

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 6104, 6161, 6211, 6213, 6214, 6405, 6501, 6512, 6862, 6871, 7422 of this title.

§ 4911. Tax on excess expenditures to influence legislation

[See main edition for text of (a) and (b)]

(c) Definitions

For purposes of this section—

[See main edition for text of (1)]

(2) Lobbying nontaxable amount

The lobbying nontaxable amount for any organization for any taxable year is the lesser of (A) \$1,000,000 or (B) the amount determined under the following table:

If the exempt purpose expenditures are—	The lobbying nontaxable amount is—
Not over \$500,000.....	20 percent of the exempt purpose expenditures.
Over \$500,000 but not over \$1,000,000.....	\$100,000, plus 15 percent of the excess of the exempt purpose expenditures over \$500,000.
Over \$1,000,000 but not over \$1,500,000.....	\$175,000 plus 10 percent of the excess of the exempt purpose expenditures over \$1,000,000.
Over \$1,500,000.....	\$225,000 plus 5 percent of the excess of the exempt purpose expenditures over \$1,500,000.

[See main edition for text of (3) and (4); (d) to (j)]

(As amended Pub. L. 95-600, title VII, § 703(g)(1), Nov. 6, 1978, 92 Stat. 2940.)

AMENDMENTS

1978—Subsec. (c)(2). Pub. L. 95-600 in heading of table substituted "exempt purpose expenditures" for "proposed expenditures".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-600 effective on Oct. 4, 1976, see section 703(r) of Pub. L. 95-600, set out as an Effective Date of 1978 Amendment note under section 46 of this title.

CHAPTER 42—PRIVATE FOUNDATIONS; BLACK LUNG BENEFIT TRUSTS

Subchapter	Sec.
A. Private foundations.....	4940
B. Black lung benefit trusts.....	4951
C. Abatement of second tier taxes where there is correction during correction period	4961

AMENDMENTS

1980—Pub. L. 96-596, § 2(c)(3), Dec. 24, 1980, 94 Stat. 3474, added the heading of subchapter C.

1978—Pub. L. 95-227, § 4(c)(2)(A), Feb. 10, 1978, 92 Stat. 22, in Chapter heading added "; Black Lung Benefit Trusts" following "Foundations", added headings for Subchapters A and B, and designated existing provisions as Subchapter A.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 275, 509, 2055, 6104, 6161, 6211, 6212, 6213, 6214, 6344, 6405, 6501, 6511, 6512, 6684, 6687, 6862, 6871, 7422 of this title.

Subchapter A—Private Foundations

§ 4940. Excise tax based on investment income

(a) Tax-exempt foundations

There is hereby imposed on each private foundation which is exempt from taxation under section 501(a) for the taxable year, with respect to the carrying on its activities, a tax equal to 2 percent of the net investment income of such foundation for the taxable year.

[See main edition for text of (b)]

(c) Net investment income defined

[See main edition for text of (1)]

(2) Gross investment income

For purposes of paragraph (1), the term "gross investment income" means the gross amount of income from interest, dividends, rents, payments with respect to securities loans (as defined in section 512(a)(5)), and royalties, but not including any such income to the extent included in computing the tax imposed by section 511.

[See main edition for text of (3) to (5)]

(As amended Pub. L. 95-345, § 2(a)(4), Aug. 15, 1978, 92 Stat. 481; Pub. L. 95-600, title V, § 520(a), Nov. 6, 1978, 92 Stat. 2884.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-600 substituted "2 percent" for "4 percent".

Subsec. (c)(2). Pub. L. 95-345 added provisions relating to payments with respect to securities loans.

EFFECTIVE DATE OF 1978 AMENDMENTS

Section 520(b) of Pub. L. 95-600 provided that: "The amendment made by the first section of this Act [probably meaning section 520(a), which amended subsec. (a) of this section] shall apply to taxable years beginning after September 30, 1977."

Amendment by Pub. L. 95-345 applicable with respect to amounts received after Dec. 31, 1976, as payments with respect to securities loans (as defined in section 512(a)(5) of this title), and transfers of securities, under agreements described in section 1058 of this title, occurring after such date, see section 2(e) of Pub. L. 95-345, set out as an Effective Date of 1978 Amendment note under section 509 of this title.

SAVINGS PROVISIONS

Section 101(l) of Pub. L. 91-172 as amended by Pub. L. 93-490, § 4(a), Oct. 26, 1974, 88 Stat. 1467; Pub. L. 94-455, title XIII, §§ 1301(a), 1309(a), Oct. 4, 1976, 90 Stat. 1713, 1729; Pub. L. 95-600, title VII, § 703(f), Nov. 6, 1978, 92 Stat. 2940, provided that:

[See main edition for text of (1)]

"(2) Section 4941.—Section 4941 [section 4941 of this title] shall not apply to—

[See main edition for text of (A) to (E)]

"(F) the sale, exchange, or other disposition (other than by lease) of property which is owned by a private foundation to a disqualified person if—

"(i) such foundation is leasing substantially all of such property under a lease to which subparagraph (C) applies,

[See main edition for text of (ii) and (iii); (3) to (8)]

§ 4941. Taxes on self-dealing

[See main edition for text of (a)]

(b) Additional taxes

(1) On self-dealer

In any case in which an initial tax is imposed by subsection (a)(1) on an act of self-dealing by a disqualified person with a private foundation and the act is not corrected within the taxable period, there is hereby imposed a tax equal to 200 percent of the amount involved. The tax imposed by this paragraph shall be paid by any disqualified person (other than a foundation manager acting only as such) who participated in the act of self-dealing.

[See main edition for text of (2); (c)]

(d) Self-dealing

[See main edition for text of (1)]

(2) Special rules

For purposes of paragraph (1)—

[See main edition for text of (A) to (E)]

(F) any transaction between a private foundation and a corporation which is a disqualified person (as defined in section 4946(a)), pursuant to any liquidation, merger, redemption, recapitalization, or other corporate adjustment, organization, or reorganization, shall not be an act of self-dealing if all of the securities of the

¹Section numbers editorially added for convenience of readers.